

CHAPTER 3

GOVERNMENT - STATE

HOUSE BILL 07-1005

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also SENATOR(S) Morse, Bacon, Boyd, Fitz-Gerald, Gordon, Groff, Hagedorn, Isgar, Keller, Kester, Kopp, Penry, Romer, Sandoval, Schultheis, Schwartz, Shaffer, Spence, Tapia, Tochtrop, Tupa, Veiga, Ward, Williams, and Windels.

AN ACT

CONCERNING AN ALERT PROGRAM FOR MISSING PERSONS WITH DEVELOPMENTAL DISABILITIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 24-33.5-415.8, Colorado Revised Statutes, is amended to read:

24-33.5-415.8. Missing senior citizen and person with developmental disabilities alert program. (1) The general assembly hereby finds that, in the case of a missing senior citizen OR MISSING PERSON WITH DEVELOPMENTAL DISABILITIES, the first few hours are critical in finding the senior citizen OR PERSON WITH DEVELOPMENTAL DISABILITIES. To aid in the identification and location of missing senior citizens AND MISSING PERSONS WITH DEVELOPMENTAL DISABILITIES, there is hereby created the missing senior citizen AND MISSING PERSON WITH DEVELOPMENTAL DISABILITIES alert program, referred to in this section as the "program", to be implemented by the bureau. The program shall be a coordinated effort among the bureau, local law enforcement agencies, and the state's public and commercial television and radio broadcasters.

(2) For the purposes of this section:

(a) "MISSING PERSON WITH DEVELOPMENTAL DISABILITIES" MEANS A PERSON:

(I) WHOSE WHEREABOUTS ARE UNKNOWN;

(II) WHOSE DOMICILE AT THE TIME HE OR SHE IS REPORTED MISSING IS COLORADO;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(III) WHO HAS A VERIFIED DEVELOPMENTAL DISABILITY; AND

(IV) WHOSE DISAPPEARANCE POSES A CREDIBLE THREAT TO THE SAFETY AND HEALTH OF HIMSELF OR HERSELF, AS DETERMINED BY A LOCAL LAW ENFORCEMENT AGENCY.

(b) "Missing senior citizen" means a person:

~~(a)~~ (I) Whose whereabouts are unknown;

~~(b)~~ (II) Whose domicile at the time he or she is reported missing is Colorado;

~~(c)~~ (III) Whose age at the time he or she is first reported missing is sixty years of age or older and who has a verified impaired mental condition; and

~~(d)~~ (IV) Whose disappearance poses a credible threat to the safety and health of the person, as determined by a local law enforcement agency.

(3) (a) The bureau shall implement the program as provided in this subsection (3) and pursuant to rules promulgated as provided in subsection (4) of this section.

(b) (I) When a local law enforcement agency receives notice that a senior citizen is missing, the agency shall require the senior citizen's family or legal guardian to provide documentation of the senior citizen's impaired mental condition. The agency may follow a procedure established by rule to verify the senior citizen is missing and has an impaired mental condition. Once the local law enforcement agency verifies the senior citizen is missing and has a verified impaired mental condition, the local law enforcement agency may notify the bureau.

(II) WHEN A LOCAL LAW ENFORCEMENT AGENCY RECEIVES NOTICE THAT A PERSON WITH DEVELOPMENTAL DISABILITIES IS MISSING, THE AGENCY SHALL REQUIRE THE FAMILY, LEGAL GUARDIAN, OR SERVICE PROVIDER OF THE MISSING PERSON WITH DEVELOPMENTAL DISABILITIES TO PROVIDE DOCUMENTATION OF THE PERSON'S DEVELOPMENTAL DISABILITY. THE AGENCY MAY FOLLOW A PROCEDURE ESTABLISHED BY RULE TO VERIFY THE PERSON IS MISSING AND HAS A DEVELOPMENTAL DISABILITY. ONCE THE LOCAL LAW ENFORCEMENT AGENCY VERIFIES THE PERSON WITH DEVELOPMENTAL DISABILITIES IS MISSING, THE LOCAL LAW ENFORCEMENT AGENCY MAY NOTIFY THE BUREAU.

(c) When notified by a local law enforcement agency that a senior citizen is missing and has a verified impaired mental condition OR A PERSON WITH DEVELOPMENTAL DISABILITIES IS MISSING, the bureau shall confirm the accuracy of the information and then issue an alert.

(d) The alert shall be sent to designated media outlets in Colorado. Participating radio stations, television stations, and other media outlets may issue the alert at designated intervals as specified by rule.

(e) The alert shall include all appropriate information from the local law enforcement agency that may assist in the safe recovery of the missing senior citizen

OR MISSING PERSON WITH DEVELOPMENTAL DISABILITIES and a statement instructing anyone with information related to the missing senior citizen OR MISSING PERSON WITH DEVELOPMENTAL DISABILITIES to contact his or her local law enforcement agency.

(f) The alert shall be cancelled upon bureau notification that the missing senior citizen OR MISSING PERSON WITH DEVELOPMENTAL DISABILITIES has been found or at the end of the notification period, whichever occurs first. A local law enforcement agency that locates a missing senior citizen OR MISSING PERSON WITH DEVELOPMENTAL DISABILITIES who is the subject of an alert shall notify the bureau; as soon as possible that the missing senior citizen OR MISSING PERSON WITH DEVELOPMENTAL DISABILITIES has been located.

(4) The executive director of the department of public safety shall promulgate rules in accordance with the "State Administrative Procedure Act", article 4 of this title, for the implementation of the program. The rules shall include, but need not be limited to:

(a) Procedures for a local law enforcement agency to use to verify whether a senior citizen OR PERSON WITH DEVELOPMENTAL DISABILITIES is missing and to verify whether a senior citizen has an impaired mental condition OR A PERSON HAS A DEVELOPMENTAL DISABILITY and the circumstances under which the agency shall report the missing senior citizen OR MISSING PERSON WITH DEVELOPMENTAL DISABILITIES to the bureau;

(b) The process to be followed by the bureau in confirming the local law enforcement agency's information;

(c) The process for reporting the information to designated media outlets in Colorado; and

(d) Any additional processes concerning implementation of the program.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: February 16, 2007